BRYAN LOSES CONTEST OVER SEALED LETTER IN. THE BENNETT WILL CASE Men on Transports Escaped in

Jury Returns Finding Excluding Codicil as Evidence in the Superior Court.

WILL MAKE AN APPEAL

Nebraskan's Attorneys Will Carry the Case to the Highest Tribunal.

CASE STRICKEN OFF LIST

Judge Gager Will Not Hear the Appeal Made by Mrs. Bennett's Attorneys.

NEW HAVEN, Conn., March 31 .- A finding that a sealed letter, in which Philo S Bennett expressed a wish that \$50,000 should be given to William Jennings Bryan and his family, was not a part of the last will of Mr. Bennett was returned by the jury to-day in the Superior Court in the trial of Mr. Bryan's appealing decision of the Probate Court.

This finding, which upholds the decision of the Probate Court, was given in accordance with instructions to the jury from Judge Gager, who presided at the Superior Court trial.

Judge Gager's ruling on a question which never before came directly before the of Connecticut, decided that the sealed letter could not be admitted as evidence in the trial. The decision followed arguments which had occupied most of the two preceding days of the session regarding the admissibility of this letter as evidence, counsel for Mr. Bryan contending that it should be admitted, while the attorneys for Mrs. Grace Imogene Bennett, the based on the exclusion of this letter as a part of the will in the Probate Court, the decision of Judge Gager could not be admitted as evidence, practically concluded the proceedings in the Superior Court, and the jury was accordingly directed to bring in a verdict against Mr. Bryan. An appeal will be taken to the Supreme Court by Mr. Bryan's counsel on the ground that the letter should be admitted as a part of an established trust.

Judge Gager said the letter was not positive m character and therefore came within the statute governing wills which tary must be attested by three witnesses. He holds that the admission of the sealed letter would override that statute.

The court said there was nothing descriptive in the will except this phrase, "The sealed letter which will be found with my Therefore there is nothing whatever to identify the sealed letter as that referred to in Section 12 of the will, no earmarks to show that this was the letter the the decision was announced Attorney Newton, for Mr. Bryan, asked for an exception

Judge Stoddard, counsel for Mrs. Bennett, suggested that the court give a rul-ing on all questions at once, as he thought "At daybreak the flotilia drew off under it would be for the best for the litigants to get rulings on all points that could be ruled on before the case would go up to the Supreme Court. Judge Gager then declared

BRYAN ON THE STAND. When the recess ended Mr. Bryan was called to the stand by Attorney Newton. Mr. Newton said that to make the ruling of the court clear he wished to offer in evi- FAIR AND COLDER; dence exhibits B (the sealed letter) and C (copy of the sealed letter) for identification taken together, and in connection with these evidence tending to prove that neither of the exhibits was obtained by fraud or mistake or by undue influences; that it was the original desire of the testator that the quest of \$50,000 should be made directly in the will; that it was at the suggestion and request of Mr. Bryan that the gift was made conditional and that it was for that reason that exhibit B and exhibit C were made in the form that they were.

Attorney Newton asked Mr. Bryan, "What was said to you by Mr. Bennett with regard to the bequest of \$50,000 at the time of the drawing of the will?" Question excluded. Mr. Newton-When did Mr. Bennett first speak to you, if at all, about the will?

Objection by Mr. Stoddard and the question was excluded Attorney Newton attempted to ask several questions concerning the "sealed letter," to all of which Mr. Stoddard objected. Judge Gager ruled them out one after an-

RULING OF THE COURT. Judge Gager said when Attorney Newton asked for a specific ruling:

"The ruling having been made and the sealed letter having been excluded, I am a little at loss on the reasons of the appear as they stand to see what appeal is open."

It was supposed that Judge Gager's remark had reference to the intention of Mr. Bryan's counsel to appeal to the Supreme | 7 a. m.. 29.80 Court, though no formal notice of this in- | 7 p. m. 29.78 .70 79 S'west. Lt. rain. 0.01 tention had been given. Attorney Newton attempted to ask another question of the court, when Judge "This is a court of law. I am not here

Mr. Bryan left the stand and conferred with Mr. Newton. "Isn't this a most extraordinary proceed ing-" Judge Stoddard started to say.
"I don't think I need to hear you, Mr Stoddard," said the judge, who, addressin himself to Mr. Newton, said that the ruling of the court had decided the inadmissibility of the sealed letter and that all questions

to be interrogated."

concerning it were irrelevant and imma-Alfred P. Sloan, Mr. Bennett's partner. was called to the stand. Mr. Newton asked

"I inquire of you now whether Exhibit A (the will) or Exhibit B (for identification) were, on May 22 or May 23, 1900, in your box or any box of yours?"

Mr. Steddard objected and the court ruled out the question. Mr. Newton announced that he was through.

Mr. Stoddard then suggested that there e a consultation of counsel, and the judge eclared a fifteen-minutes' recess, during which he and the lawyers consulted in his room. A few minutes later Mr. Bryan was

When the court reconvened Judge Gager instructed the jury to retire and bring in a verdict in accordance with his decision. As soon as the jury had retired Mr. Newton tated that his side would like to have the Bennett appeal case tried immediately after this case. Mr. Stoddard said the decision of the Supreme Court regarding the admission of the "sealed letter" as part of the will would weaken or strengthen his case in the Bennett appeal according as it admitted or excluded the "sealed letter" as part of the will. He therefore asked that the Bennett appeal case be postponed until after the decision of the Supreme Court. Mr. Stoddard said that undue influence a alleged in the Bennett appeal and if the "sealed letter" is excluded from the will he might advise the withdrawal of the Ben-nett appeal. Mr. Bryan here said that he would not insist upon this trial but that his side was prepared, and any delay would not be through his fault. He continued: This is the only case in which I feel

personal interest. I say now, as I said in the court below, that no money will be used ersonally by me without the consent of Mrs. Bennett." Mr. Stoddard said that when Mr. Bryan was asked in the lower court to put a simflar statement in writing he said he would do so, but that he has not done it. Mr. Bryan replied that he would like to refresh Judge Stoddard's memory. He reminded his opponent that he could only promise at that time \$25,000 would not be touched until he had returned home. After consulting Mrs.

Bryan he returned and could say the same in regard to the other \$25,000. I am willing to give bond," he went on, "that no member of my family will receive | Springfield, Mo one cent of the \$50,000 without the consent | Valentine, Neb 34

of Mrs. Bennett. Judge Gager then ordered the Bennett apseal stricken off the trial list. At this point jury returned with a verdict excluding "sealed letter" and the typewritten If you enjoy muffins and waffles, try Mrs. copy of the same as evidence as a part of Austin's Pancake flour, and you will be de-the will. The court then adjourned. lighted with the results.

JAPANESE LOST NO SAILORS IN LATEST NAVAL FEAT

Second Attempt to Bottle Up Port Arthur.

PLAN NOT ABANDONED

LONDON, April 1 .-- A correspondent of the Times at sea, in a wireless telegram via Wei-Hai-Wei, describing the latest attempt of the Japanese to "bottle up" Port Arthur.

Vice Admiral Togo waited until better weather before reattempting to 'bottle up' Port Arthur. The officers who conducted the first attempt insisted on the right complete their work. The admiral consented and the same officers were chosen, but the crews and stokers were selected RUSSIANS POURING from new volunteers.

"The moon disappeared at midnight and the sea was like glass when the desperate enterprise was begun. When within two miles of the goal the frenzied motions of a searchlight showed that suspicion had been awakened and suddenly a solltary gun announced that the Japanese had been discovered. The Russians sprang to the guns of the batteries and in three minutes the pected. Japanese craft were inclosed in a semicircle of gun flashes. The sea was churned to a turmoil by falling shells, but there was no hesitation. The torpedo boats opened out and the transports, with men standing at the lifeboat stations, steered directly into the inferno. There was then only a mile

to traverse and the safety fuses were ready. "It was just 3:30 in the morning when the steamer Chiyo, with a searchlight beating upon her and she a target for a hundred guns, led toward the east side of the entrance. The fuses were set and the crew pushed off just in time. It was a moment of suspense. The charge exploded, sinking her one hundred yards from the east side

of the entrance (Golden hill.) "The Fukui next passed on the port side widow, and other heirs, presented opposing was a dull explosion. She had been struck and sunk in the exact place which the Jap-anese desired by a torpedo from within the RUSSIAN ACCOUNT OF

"So close were the defending destroyers that the Yeneyama was fouled by a Russian destroyer and her crew scorched by the flame of the discharge from a Russian six-

"It was a horrible melee, but the Japanese kept their presence of mind throughout and their steadiness was shown by the fact that before she had been fouled by the destroyer the Yeneyama passed to starboard of the Chivo and then between her and the Fukui and reached the center of the channel. where she was hit by a torpedo, which sank her on the west side of the channel. her bow pointing toward short. Not a man "The enterprise failed to block the channel because there were only four transports. It is probable, however, that the channel has been rendered impracticable for the large battleships and it is certain that the

Japanese will not rest until the channel has been closed. "The maneuver was covered by a torpedo division which, running in close, endeavored the main enterprise. This division remained in action until all the crews were testator had in mind. Immediately after rescued and just before daybreak was engaging a Russian destroyer, which remained at the entrance line firing torpedoes during the night. The scream of escaping steam proclaimed that the Russian boat cover of the fleet, which was waiting ten

In conclusion the correspondent describes the bravery and death of Commander Hisinking the Tokohu furthest up the en-trance to Port Arthur on Feb. 24, and of he says the Japanese are justly

NORTHWEST WINDS

WASHINGTON, March 31 .- Forecast for Friday and Saturday:

Indiana-Fair and colder on Friday. Saturday fair; colder in south portion; fresh northwest winds. Ohlo-Showers and thunderstorms and older on Friday. Saturday fair, except rain on northwest lake shore; colder in the east and south portions; brisk northwest Kentucky-Clearing and colder on Friday.

Saturday fair and colder. Illinois-Fair and colder on Friday, preded by showers. Saturday fair; brisk northwest winds. Wisconsin-Fair on Friday, preceded by rain in southeast portion; colder in south portion. Saturday fair; fresh to brisk north-

Kansas, Nebraska, North Dakota and South Dakota-Fair on Friday and Saturday; warmer Saturday. Iowa-Fair on Friday and Saturday; warmer in west portion Saturday. Minnesota-Fair on Friday; colder in south portion. Saturday fair; fresh north-Lower Michigan-Rain on Friday. Saturday fair; fresh east winds, becoming north-

Local Observations on Thursday. Bar, Ther. R.H. Wind. W'ther. Pre. Maximum temperature, 72; minimum temperature, 48. Comparative statement of mean tempera-

ı	ture and total precipitation of	n March	31:
		Temp.	Pre
×	Normal		0.1
z	Mean and total	60	0.0
8	Departure for day	•13	-0.1
s	Departure for month	***************************************	97.3
9	Departure since Jan. 1	309	*7.5
3		BLYTHI on Direc	
1			

9				
ı	Yesterday's Temp			
ï	Stations. 7 a.	m.	Max.	7 p.
ı	Abilene, Tex 6	6	82	
ı	Amarillo, Tex 4		64	
i	Atlanta, Ga 5- Bismarck, N. D 3-	•	76	
ă	Buffalo, N. Y 4		48	
ij	Cairo, Ill 6	2	74	
i	Calgary, Alberta 1	2	46	
i	Chattanooga, Tenn 5	8	74	
ũ	Chevenne, Wyo 2	8	38	
8	Chicago, Ill 3	3	56	
ã	Cincinnati, O 4		72	
8	Gleveland, O 4		70	
ı	Concordia, Kan 4	2	48	
i	Davenport, Ia 4		54	
i	Denver, Col 3	2	38	
Ŗ	Dodge City, Kan 4	1	54	
g	Dubuque, Ia 3	5	50	
S	Duluth, Minn 3 El Paso, Tex 4		32 70	100
8	Galveston, Tex 6		74	
9	Grand Junction, Col 3	2	42	
ì	Grand Junction, Col 3 Grand Rapids, Mich 4	2	52	
9	Havre, Mont 2	3	42	
i	Huron, S. D 3	8	46	
ı	Helena, Mont 26 Jacksonville, Fla 6	9	42 78	
ĸ	Kansas City, Mo		50	
9	Lander, Wyo 20	5	34	- II
i	Little Bock, Ark		80	
i	Louisville, Ky 6	2	78	
g	Marquette, Mich 3: Memphis, Tenn 6:		36	
ä	Modena, Utah 2	2	78 40	
	Montgomery, Ala 50		82	
8	Nashville, Tenn 66	;	76	
	New Orleans, La 6	!	80	
y	New York, N. Y 3	5	42	
l	Norfolk, Va 4		68 58	
9	North Platte, Neb 3: Oklahoma, O. T 6	8	56	
	Omaha, Neb 4		48	
	Palestine, Tex 7)	82	
	Parkersburg, W. Va 4		68	
8	Philadelphia, Pa 3		48	
R	Pittsburg, Pa 4 Pueblo, Col 3		68 46	
	Qu' Appelle, Assin 3		32	
H	Rapid City, S. D 3	•	46	
	St. Louis, Mo 5	8	78	
	St. Paul, Minn 30	2	42	
	Salt Lake City, Utah 2	5	40	
	San Antonio, Tex 73 Santa Fe, N. M 30	1	92 48	
	Shrevenort La 6	9	50	

Washington, D. C 4

Many Japanese Slain in Almost Continuous Clash with Russians

CONCLUDED FROM FIRST PAGE.) tering the port to engage the Variag and | when it is desired to do so, and brings the Korietz, and later, after the fight, when | contents of the inner can to a boiling point. the Vicksburg sent a surgeon his services were refused. The tone of the correspondent is very bitter. He adds that he saw the American denials of the incident whenhe arrived at Port Said, but that they are not convincing. He continues: "I saw the report of one of the captains to his government, in which the action of the American captain was set forth clearly and cate-

gorically in its true colors.' In official circles the actions of some of the newspapers here in attempting to revive hostile feeling against the United States on account of the Vicksburg incident is sin-"After the bombardment of March 22 cerely deprecated. The Associated Press made by the commander-in-chief of the ment has nothing to criticise in the action editorial of yesterday pointing to the United States as the real commercial and political foe of Great Britain and Russia.

INTO MANCHURIA

PARIS, April 1 .- The Matin's correspondent at Harbin says the troops are arriving continuously, each day seeing 4,000 descend toward Harbin and further south in Man-

A St. Petersburg correspondent of the de Paris says that the wife of one of General Kuropatkin's orderly officers reecived a telegram from her husband saying that the general staff does not believe there will be any great battle before September.

Russian troops in Manchuria, including Port Arthur and Vladivostok, now number 245,000 and the total may be 300,000 by the end of April and 500,000 by September, when, if the Japanese have not crossed the Yalu, General Kuropatkin will advance to drive them out of Korea. The only fear in high quarters, according to the writer, is the inability of China to

restrain the mass of her troops or to prevent troops landing in a Chinese port in thur and Tsi-Chou in a state of siege, forevent of Japanese successes, however eph- bids all unauthorized persons to approach General Kuropatkin has telegraphed to General Mishtchenko to avoid any engageof the Chiyo and dropped anchor. Just as | ments in which the security of the Rus-

ODESSA, March 31 .- The Russian steamer Malaya has been quarantined at Constantinople. Consequently the survivors of the Variag and Korietz, who are on board that vessel, will not arrive here until to-

A letter from Chemulpo is printed here to-day describing the fight. It contains the following regarding the rescue of the crews of the Variag and Korietz: "Before destroying their ships the Russians signaled to the foreign warships to take the crews and wounded on board, which they readily agreed to. All the ships sent boats to the Variag and Korietz to transport the crews excepting the American cruiser Vicksburg. Although she did send a surgeon to dress the wounded she did not take one member of the crews on board, explaining that no from the American government.

RUSSIANS KILL A KOREAN PREFECT

SEOUL, March 31 .- It is reported that the Russians, on March 27, killed the prefect of Pak-Chon for not following their inrose, who had recently been promoted for have dispersed the Korean garrison of

gagement of March 28 between Russians and Japanese at Cheng-Ju, Korea, says the fighting lasted two hours, at the end of retire toward Wiju. Two Russians, dead, were left on the field, while other bodies were carried off with the column. A Japaprivates, were killed, while Captain Kurokawa and eleven privates were

PLENTY OF SUPPLIES

STORED IN MANCHURIA ST. PETERSBURG, March 31.-The chief sky, says that not a pound of meat or bread is being sent to Manchuria, as the cattle and grain available there are more than sufand stores of flour are being concentrated at Harbin. About 5,000 boxes of tinned meats will be kept at Irkutsk for the outgoing troops and railroad men. All the tinned meats are being put up in St. Petersburg and at Riga, according to a German process by which the contents can be served hot, without the use of fire, the tin being

IS ORGANIZED AT TOKIO

Started with Subscriptions of \$37,500.

TOKIO, March 31.-At a meeting of much enthusiasm. The sum of \$37,500 was | collection to the hammer. subscribed at once, and it was decided to the direction of the Emperor of Japan. par- antiquaries. soldiers and sailors.

people of the United States they could not | sess a sweet and delicate tone. but admire them for their love of justice

Bishop McKim, of the American Episco- it was secured by the authorities of the Edinburgh Antiquarian Museum. pal mission, suggested the organization of The Lamont harp, which dates from the the charity. He said the memorial to Perry would be graven not on a pillar of stone, Charity is beyond the pale of politics, the speaker continued, and this movement has broad humanitarian sympathies which two genuine old Highland targets at make universal brotherhood over all the

Bishop McKim's proposal was at once PLAN TO FIGHT FIRE approved and acted upon. The American Asiatic Society headed the subscription list with \$5,000. Baron Iwasaki and Baron Mitsui also gave \$5,000 each. Prince Shimazu, head of the Satsuma Clan, and Prince Mori, head of the Choshu Clan, subscribed \$2,500 each. J. W. Coppman and D. C. Blake gave | the board of estimates to-day to be ex-\$1,000 each and Count Inouye, Count Matsugata, Count Okuma and United States Minister Griscom subscribed \$500 each. President of the United States and Mr. | Manhattan and Brooklyn. The money will | to ford St. Francois river. Griscom replied by calling for cheers for be expended along the lines suggested in the Emperor of Japan. There were dem-onstrations of satisfaction when the total gineers, which recommends that the valves water, it is estimated the loss of stock will of the subscription was announced, and the and hydrants of the system be constructed be large. meeting was brought to a close with the for both salt and fresh water in order that singing of the national anthems of the two systems may be used together as United States and Japan.

mixture, which is forced into the water

WASHINGTON, March 31 .- Count Cassini, the Russian ambassador, to-day addressed the following communication to Secretary Hay: "By order of my government I have to inform your Excellency that the following announcement has just been is authorized to announce that the govern- Russian fleet in the Pacific ocean: Any public or private vessel navigating in of Commander Marshall. Moreover, it does | waters in which military operations are not sympathize with the Novoe Vremya's carried on and detected at night without stopping, and which, after warning by the firing of a gun, will not show its colors, will be considered an enemy and sunk."

> MAKAROFF GIVES ALL CREDIT TO KRINIZEKI

SEBASTOPOL, March 31.-Responding to a dispatch from the commander of the Black sea fleet congratulating him on the repulse of the last attempt of the Japachuria by road and rail. The correspondent nese to block Port Arthur, Vice Admiral says that more Sothias of Cossacks are ex- Makaroff has telegraphed that the chief credit for the achievement is due to Lieutenant Krinizeki, who commanded the torpedo boat destroyer Silni. "A man who knows his business. Through his skill in discharging the torpedo, the missile struck the prow of the first ship, deflecting the vessel from its course and the other Japanese steamers followed in its wake.

PORT ARTHUR NOW IN A STATE OF SIEGE

PORT ARTHUR, March 31.-The proclamation of Lieutenant General Stoessel, the fortifications and batteries and ander. The police measures adopted at Port | groundhogs caused the latest break.

THE CHEMULPO FIGHT | MORE "BOTTLING UP" STEAMERS FOR TOGO

NEW YORK, March 31.-Twenty-eight old and useless steamers have been requisitioned, stripped of all machinery but that necessary to navigation, and are held ders, says a dispatch to the World from Nagasaki, by way of Shanghai. The Japanese are determined, it would appear, to block Port Arthur channel, and six vessels will be sent at a time to join the fleet.

RUSSIANS FEAR 3,000 REINDEER WILL BE LOST

VLADIVOSTOK, March 31.-Concern is felt here lest the herd of 3,000 reindeer, the to draw the fire of the land batteries from permission to do so had been received last specimens of that animal now on Askold island, which is in range of the Japanese guns, shall be destroyed. The herd is valued at half a million dollars. The horns of the animals are very valu-They are used by the Chinese as

> Korea Asked to Pay \$450,000. NEW YORK, March 31 .- The Korean structions. The Russians are also said to Foreign Office has been presented with a claim, says a Herald dispatch from Seoul. Wiju after divesting the soldiers of their for \$450,000 by the French charge d'affaires here in payment for materials ordered from France for use on the Seoul-Wiju railroad, Detailed reports received here of the en- | which concession Japan procured from the Korean government soon after signing the recent alliance protocol.

> which the Japanese forced the Russians to General Allen Requested to Return LONDON, April 1 .- The Seoul correspondent of the Daily Mail says that the milinese lieutenant named Kno, and four tary authorities have requested Brig. Gen. Henry T. Allen, United States military observer with the Japanese army, to return to Seoul from Ping-Yang until they are able to provide him with fitting accommodations.

Japanese Cruiser Sails.

SHANGHAI, March 31.-The Japanese cruiser Akitsushima left here at noon toof the commissariat department, Rostkov- day, the dismantlement of the Russian gunboat Mandjur, which was in these waters when the war broke out and which remained here, having been completed in accordance with the agreement arrived at ficient for the demand. Enormous herds on the subject by the local authorities.

Russian Court's Plans.

PARIS, April 1 .- A correspondent of the Echo de Paris at St. Petersburg cables: "I am authorized to say that the court will go to Tsarskoye Selo on Saturday, remainplaced in another filled with water and having a false bottom containing a carbide remove to the palace at Peterhoff."

Perry Memorial Relief Fund Is Stuart and Jacobite Relics of Great Interest and Value Put on the Block.

BISHOP M'KIM'S SPEECH HIGH PRICES OBTAINED

LONDON, March 26.-There was dis-Americans and Japanese held here to-day persed by auction in Edinburgh last week in commemoration of the fiftieth anniver- a family collection of Stuart and Jacobite sary of the signing of the Perry treaty be- relics of great historic interest and value. Special to the Indianapolis Journal. tween Japan and the United States an The early death of Mr. J. N. Durrant-American war charity called the Perry | Steuart, the twelfth and last laird of Dal-Memorial Relief Fund was organized with guise, in Perthshire, brought this unique

Interest centered mainly on two ancient organize committees in all the larger cities | harps, one known as Queen Mary's harp, of the United States. The fund will be and the other as the Lamont or Caledonian turned over to a minister of the imperial harp. For the last twenty years they have household, and it will be disbursed under reposed at the National Museum of Antiquities, and are well known to Scottish

ticularly to aid the destitute families of | The story of Queen Mary's harp is that during the hunting trip into the Highlands of Perthshire, in the year 1563, she offered Count Okuma, at one time Japanese premier, made the pricipal address at the competition. It was awarded to Miss Beatrix Gurdyn, of Banchory. It closely resembles the famous harp of Brian Boru, and a cen-Japanese became more familiar with the tury ago it was stringed and found to pos-Competition for it was very keen. Mr. Special to the Indianapolis Journal. Theodore Napier, the well-known Jacobite and humanity, which were such prominent enthusiast, remained in the bidding until £840 was reached, and finally, at £892 10s,

eleventh or twelfth century, was sold at A lock of hair from Prince Charles's head but on the hearts of the two great peoples. | and another from that of his wife, Princess Louise of Stohlberg, went for £33 12s. A sword which he had worn was sold for £78. Highland dirks went at from £11 to £15 no significance except as an appeal to those | each, an Andrea Ferrara sword at £25, and

WITH SALT WATER

NEW YORK, March 31.-Nearly five and one-half million dollars were set apart by pended in installing an auxiliary system of salt water mains to be used in connec-Count Matsugata proposed cheers for the tion with fire fighting in the boroughs of

WORK OF RESCUE GOES ON, WHILE THE WATERS CONTINUE TO ADVANCE

CONCLUDED FROM FIRST PAGE.) heavy rains this morning did damage along tributaries, washing out bridges and fences. The flood passed the 1897 stage, and If the BE SUNK BY RUSSIANS river begins a second rise to-night the

> EAST MARION AGAIN IS BEING FLOODED

MARION, Ind., March 31.-At midnight to-night the Mississinewa river reached with destroying hands over the broken levee in East Marion, or "Johnstown," and once more the residents of that locality were forced to hurry forth, bearing chattels through the gloom and rain to places of safety. If the rise continues Johnstown will again be entirely deserted to-morrow. This is the section of Marion submerged last week under ten feet of water.

The damaged dike will not serve to protect the people as it formerly did, and the steady downpour of rain during the last two days has given the river such a volume that new discomfort and new danger and devastation face the dwellers in this sec-There will be no repetition of the sudden plunge of the torrent into the low places; there will be no repetition of the terror that marked the former surge of the menacing waters, when residents fled for their lives on short notice, but the loss and inconvenience are being repeated.

BAD WASHOUTS OCCUR BELOW WASHINGTON

Special to the Indianapolis Journal. WASHINGTON, Ind., March 31 .- The Evansville & Indianapolis Railroad, which has been funning trains erratically for nearly a week, suffered from two washouts six miles south of this city near Thomas station this morning. The lesser one, a break of twenty-five feet, was repaired by night so work trains could pass over and reach the greater, which is fifty feet long and thirty feet deep. Piling must be driven to furnish a foundation for the track. This place was washed out last Friday nounces that the sentries have been ordered | night and in repairing it it was filled with to shoot anyone who fails to obey the or- earth. Railroad men say muskrats or Arthur are excellent and perfect order is No train has reached this city over this road to-day and it will require considerabl time to repair the break. It is probable the piledriver of the railroad is at work at Hazelton and will not be available at

RIVER WITHIN ITS BANKS AT WABASH

Special to the Indianapolis Journal. WABASH, Ind., March 31.-Wabash river is again within its banks, and the families driven from their homes in the bottoms are returning, and drying out their watersoaked buildings. Dr. Lasalle, health officer, says the buildings are many of them unfit for habitation and predicts that many cases of sickness will grow out of the flood. The heavy rain of yesterday afternoon and last night gave the denizens of the bottoms a scare, but the fall of the water was unchecked, and the flats are now free. In the channel of the stream, however, the rains brought the water up a foot or more, cov-

FLOOD THREATENS NEW DISASTER IN PORTLAND

ering the Fort Wayne & Southwestern trac-

tion line tracks at the Big Four bridge.

Special to the Indianapolis Journal. PORTLAND, Ind., March 31 .- A heavy rain is falling this evening and the Salamonia river, which inundated the city and caused the death of two persons on Saturday, is again high over its banks The lowlands are entirely under water and fears are entertained of a repetition of last week's deluge. To-night's storm, accompanied by wind and lightning, is causing additional alarm.

STORM AND FLOOD DO DAMAGE AT BURROUGHS

Special to the Indianapolis Journal. LOGANSPORT, Ind., March 31 .- A report has reached this city that the worst storm in its history passed over Burroughs, a small town twenty miles from this place, this evening. Bridges and fences were

Another Flood at Anderson.

Special to the Indianapolis Journal. ANDERSON, Ind., April 1, 2 a. m.-White river broke out of its banks here at o'clock this morning and is now rising at the rate of six inches per hour. There has been a heavy rainfall here to-night, and indications are that a heavier fall has oc-curred above here. Park Place is again inundated, and matters look serious for residents in that suburb.

Damage Around Tell City.

Special to the Indianapolis Journal, TELL CITY, Ind., March 31 .- The high water at this place is slowly receding and and farm land generally. Much damage also was done along the river front, but the farmers were the greatest sufferers. have to be replaced, and many roads must

Wheat Said to Be Benefited.

Special to the Indianapolis Journal. BROWNSTOWN, Ind., March 31 .- The flood has subsided locally, leaving the wheat in the White river valley covered with a heavy sediment, which would have destroyed it had it not been that the heavy rain which fell to-day has washed most of the mud away, leaving the wheat, instead of damaged, considerably benefited.

Traffic to Be Resumed To-Day. SHELBYVILLE, Ind., March 31.-It is expected that traffic on the Indianapolis & Cincinnati traction line will be resumed some time Friday and that cars will again be run on the hourly schedule. The superintendent this morning said repairs to the bridge near Brookfield, which was damaged

by high water, are almost completed.

Farmers Fleeing for Safety. CELINA, O., March 31 .- The west end of Mercer county is flooded. Farmers along

the Beaver and Wabash rivers are removing to points of safety. Lake Mercer is at the danger point. South Celina is under water and n any families have been driven from their homes. Ohio Is Again Rising.

LAWRENCEBURG, Ind., March 31.-Recent rains have again swollen the Great Miami river and caused a sharp rise in the day the Ohio stood at forty-five feet and I was rising an inch an hour

DAMAGE IN MISSOURI DUE TO BROKEN LEVEE

ST. LOUIS, March 31 .- By the breaking of the Fountain creek levee, near Merrimac. Monroe county, Illinois, twenty miles south of St. Louis, 6,500 acres of land, 5,500 of which were in wheat, are under water and a loss estimated at \$120,000 has been sufand the occupants have been forced out. driven from their homes to higher ground. P plar Bluff is still flooded and thousands

Reports from points southwest of St Louis say much property has been de-

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Bank Trial Witness Gets Roughshod

"I signed all but one," answered Ker-"Who signed that one?" demanded Kealing imperiously.

"Walter Brown." "Tell the jury," continued Kealing, "how the checks are distinguished. TELL-TALE INITIALS EXPOSED. "The checks I signed are marked with a

"Did Mr. Alford give you authority to use his name on those checks?" "He did not."

"On whose authority did you sign them?" "My own, I suppose. There was an understanding between Mr. Brown and my-

"Tell the jury, Mr. Kerstetter, if the

signature, M. Alford, was made as near

as possible to represent Alford's own writ-"Not at all," replied the witness. Kerstetter was employed at the Con-Melville Alford was signing checks for Brown as a method for keeping separate the building accounts of the plant. On the cross-examination Ketcham sought to bring out this-that the signature was made simply as identification for building accounts. The prosecution introduced the evidence to show that the money drawn

to the Consolidated Paper and Bag Com-A tilt between Attorney Ketcham and Mr. Alford, in which Judge Anderson finally took a hand, occurred shortly after Alford took the stand at the opening of court yesterday morning. Alford had testiwashed away, and much damage was done | fied at Kealing's examination that he had not signed any notes which were carried in the bank as assets. When Ketcham came

on the checks from the bank was applied

notes with Alford's signature affixed. The | next week. POGUE'S RUN OVER BANKS FLOODS HOUSES

AND STOPS CAR SERVICE CONCLUDED FROM FIRST PAGE.) should be caught again by the high waters. Little delay was made in getting out, and soon a number were out passing on the warning cry from house to house. In a short time all the homes bordering on Fall

creek were empty. Reports to the police from various points along Fall creek indicated that, after alarmis disclosing much damage to wheat land ing people all along its course with a sud- one of the animals. The sixty foxes, many den rise before midnight, that stream be- of which were extremely valuable, aggregan to fall shortly after midnight, and im- gated an amount of many thousands of dolned to be past. From lars and the loss gives every indication of time to time during the night fresh deluges In the county a number of bridges will of rain caused alarm, but none of them continued as long as did the rain which began to fall between 7 and 8 o'clock in the SHIPS ON WAY FROM

evening. IACKSON PARK IS

Jackson Park, the new addition in the vicinity of the Atlas engine works that has suffered severely on the occasion of every high water and flood that has visited this locality this winter, was again inundated last night and acres of land were under

remove to their second stories in some cases, and the police were appealed to for help. The water that has been left by the last overflow of Pogue's run has not entirely disappeared, and the heavy rain augmented this, bringing back old condi-

GOOD FRIDAY IN

CITY'S CHURCHES With the observance of Good Friday all tude 66:42.

Christendom will begin to-day the cele-

bration of Eastertide. Services will be held

in all Catholic churches and most of the Protestant, and without exception will be of a musical nature. At St. Paul's Church a musical service, a rendition of "The Seven Last Words of Christ," will be given. The soloists will be Mrs. John Edmunds, Paul Jeffries, Mrs. Aquilia Jones and Everson McHatton. "The First Word" will be a baritone and tenor solo with chorus; the "Second Word" a Ohio since yesterday morning. At noon to- | duet for tenor and baritone with quartet; "Third Word" a solo for soprano, tenor and baritone, with chorus; the "Fourth Word" a baritone solo; the "Fifth Word" a chorus and solo for tenor and baritone; the "Sixth Word" will be a tenor solo and quartet, and the "Seventh Word" a solo for soprano and contralto with chorus, The observance of Easter will begin at the Meridian-street Methodist Episcopal

Fox Farm a Failure.

Church to-night with appropriate services.

Portland (Me.) Express. A gentleman by the name of Skillings, of Bangor, recently started a new industry on fered by the farmers. Specials from points an island off the coast between Machias in southeast Missouri indicate that flood and Jonesport, Me. This was fox raising. conditions of serious proportions prevail. He believed that there was money to be Many dwellings are standing in the water, made in raising foxes for their hides and so leased what is known as Triton island At Piedmont, Black river is still rising some distance off the coast. Having seabout sixty of the finest furred and most Lucien Graham was drowned while trying | hardy foxes he could find, paying for some of them as high as \$500 apiece. These he placed on the island last fall and started his fox farm with every prospect that his novel plan would be a success. Of course the island being some distance from the land it was impossible for the foxes to get off and so fences were not

necessary. This winter came with its cold

the witness the notes, demanding severely: "Is that your signature?" "It looks like it; yes, I guess it is," exclaimed Alford after examining the notes. "Didn't Mr. Brown show you those notes after the bank failed and offer to give them back to you?" asked Ketcham.

"He did not," answered Alford stoutly.

"Didn't you say, Mr. Alford, in the presence of Vernon Van Fleet, after you ap-

peared before the grand jury: 'I swore be-

fore the grand jury that I gave no notes, and, by God, I'm going to stay with that statement?" Ketcham thundered the question and Alford hurled back his answer in an equally loud voice: "No! I say emphatically no!" Here Judge Anderson intervened and declared that the examination would have to be continued more quietly. Ketcham in his examination went at the witness violently, and when the incident occurred had

Alford worked up to a high pitch of excitement and anger. After Alford was dismissed Beryl Tousley and Enos Cuip testified and then Bank Examiner J. M. McIntosh was called to the stand and examined throughout the remainder of the day until 4:30 o'clock. Mrg-May Mishler, Samuel Hoke and Edgar colidated Paper and Bag Company when Kerstetter were the last witnesses on the stand Owing to minute cross-examinations of

Attorney Ketcham and the continual pas-

sage at arms which take place between the attorneys, the trial of Brown will be much longer than had at first been expected. The government expected to complete introduction of evidence by this evening, but District Attorney Kealing said last night that he did not see how they could finish up their case before Saturday noon. Attorneys for both sides are fighting the case inch by inch. Attorney Ketcham dissects each bit of testimony given by government witnesses. Both Kealing and Ketcham are often "called down" by Judge Anderson, who repeatedly admonishes

them against wasting time on immaterial

facts and inconsequential tilts. The trial to cross-examine Alford he produced three | will probably not end before the middle of weather and gradually the water between Triton island and the mainland closed slowly in until finally the wide passage was covered with thick ice which could support a man or a team for that matter. All this had been going on so quietly that Mr. Skillings had quite failed to think of what this rapidly-forming ice might mean to his new industry, and one morning he awoke to find that every fox owned had escaped from the island to the mainland and had taken to the heavy growth of timber which covers much of this section of the coast. Mr. Skillings instituted searches and scoured the surrounding coun-

ANTARCTIC REGIONS

AGAIN INUNDATED Men on Board the Discovery in Southern Expedition Are Rescued.

CHRIST CHURCH, New Zealand, March

31.-The British Antarctic expedition, which sailed on the steamer Discovery from London July 31, 1901, has signaled that it is re-It was announced from Hobart, Tasmania, Oct. 30 last that the Terra Nova, an auxilary relief ship, formerly a Newfoundland whaler, had arrived there, and with the Morning, the Royal Geographical Society's relief ship, would start for the

relief of the Discovery, the British explor-

this time the Discovery had been frozen in

ing vessel, the first week in December. At

for thirteen months at the foot of Mount



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Treatment and Court Intervenes CONCLUDED FROM FIRST PAGE.) | notes aggregated \$12,000. Ketcham handed